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Kenneth Arneson

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EXAMINER

LASTRA, DANIEL

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/852,740	Applicant(s) ARNESON ET AL.	
	Examiner DANIEL LASTRA	Art Unit 3688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 5-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, and 5-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1, 2, and 5-28 have been examined. Application 09/852,740 (System and method for providing wireless services) has a filing date 05/11/2001 and Claims Priority from Provisional Application 60203885 (05/12/2000).

Response to Amendment

2. In response to Final Rejection filed 06/15/09, the Applicant filed an RCE, which amended claims 1-2, 5-28 and cancel claims 38-41.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 5-10, 12-24 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wecker (US 6,256,614) in view of Katz (US 6,424,706).

As per claims 1, 9 and 18, Wecker teaches:

A method of purchasing goods or services, comprising:

creating credit in a service account server in response to an entity having actively interacted with a given website of a seller of goods or services, that has secured phone time units from a service provider (col 2, lines 1-30; col 3, lines 1-30; col 13, lines 60-65);

Art Unit: 3688

crediting into a database *accessible by said service account server a given amount of* said phone time units to a service account based on said entity *having actively interacted with said given website* (see col 2, lines 1-10; col 4, lines 42-55);

Wecker does not teach said phone time units are wireless airtime units and that said service account and service provider are a wireless service account and wireless service provider and *deducting payment for goods or services from said service account with said credited wireless airtime units*. However, Katz teaches a system that allows telephone calling card minutes stored in a minute account from a wireless service provider (see col 1, lines 10-20) to be redeemed for goods or services (see col 4, lines 57-67). Katz teaches interconnecting a plurality of member pre-paid telecommunication service providers, a plurality of member unit-minute systems associated with those pre-paid service providers and a plurality of member bank computer systems associated with financial networks in order to allow users to redeem telephone calling card minutes for goods or services (see col 16, lines 30-45). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Wecker would modify his invention to allow users to use earned telephone card minutes for wireless telephone connections and to use said earned telephone card minutes for making purchases for goods and/or services, as taught by Katz in order to provide a value added service to existing wireless telephone services and allow subscribers to wireless providers to earn wireless airtime minutes for visiting a merchant's website and use said earned minutes to purchase goods or services.

Art Unit: 3688

As per claim 2, Wecker does not teach:

said deducted payment is for payment of goods. However, the same argument made in claim 1 regarding this missing limitation is also made in claim 2.

As per claim 5, Wecker does not teach:

said deducted payment is for payment of a service. However, the same argument made in claim 1 regarding this missing limitation is also made in claim 5.

As per claim 6, Wecker does not teach:

said deducted payment transfers wireless airtime units from a buyer's account to a seller's account. However, Katz teaches a system that allows the transfer of wireless minutes from one user to another user (see column 4, lines 39-67). Therefore, the same argument made in claim 1 regarding this missing limitation is also made in claim 6.

As per claim 7, Wecker does not teach:

said wireless airtime units are used in a metered wireless communications system. However, Katz teaches a system that allows telephone calling card minutes stored in a minute account from a wireless service provider (see col 1, lines 10-20) to be used in metered wireless communication (see col 4, lines 57-67). Therefore, the same argument made in claim 1 regarding this missing limitation is also made in claim 7.

As per claim 8, Wecker does not teach:

said wireless airtime units are used in a post-paid wireless communications system. However, Katz teaches a system that allows telephone calling card minutes stored in a minute account from a wireless service provider (see col 1, lines 10-20) to be used to make purchases at any merchant's POS terminal, to make cash withdrawals or

Art Unit: 3688

to place order online (see col 8, lines 15-33). Therefore, the same argument made in claim 1 regarding this missing limitation is also made in claim 8.

As per claim 10, Wecker teaches:

wherein said *actively interacted with said given* web site comprises: selection of an electronic advertisement *presented to said user on a device* (see column 6, lines 40-45). Wecker does not teach that said device is a *wireless device*. However, Official Notice is taken that it is old and well known to allow wireless devices to access websites via the Internet. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Wecker and Katz would allow wireless device to access a website and earned wireless phone credit, as it is old and well known in the communication art to allow wireless device to access websites via the Internet.

As per claim 12, Wecker teaches:

wherein said *actively interacted with said given* web site comprises: obtaining electronic services *by a device* (see figure 1K). However, Official Notice is taken that it is old and well known to allow wireless devices to access websites via the Internet. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Wecker and Katz would allow wireless device to access a website and earned wireless phone units, as it is old and well known in the communication art to allow wireless device to access websites via the Internet.

As per claim 13, Wecker teaches:

Art Unit: 3688

monitoring said web site to determine when said user *actively interacted with said given* web site (see column 7, lines 30-40).

As per claim 14, Wecker teaches:

creating a service account for said user in response to said user *first actively interacting with said given* web site (see col 9, lines 35-40). Wecker does not teach that said service accounts are wireless service accounts. However, the same argument made in claims 1 and 9 regarding this missing limitation is also made in claim 14.

As per claim 15, Wecker teaches:

crediting *into a database accessible by said service account server* said phone time units *into said service account for said user* (see col 13, lines 50-65). Wecker does not teach said phone time units are wireless airtime units and that said service account and service provider are a wireless service account and wireless service provider. However, the same argument made in claims 1 and 9 regarding this missing limitation is also made in claim 15.

As per claim 16, Wecker does not expressly teach:

crediting *into a database accessible by said wireless service account server when* said user purchases wireless airtime units. However, Katz teaches a prepaid card wireless system that allows subscribers to purchase additional wireless minutes (see Katz column 2, lines 15-25). Therefore, the same argument made in claim 1 regarding this missing limitation is also made in claim 16.

As per claim 17, Wecker does not teach:

Art Unit: 3688

reducing a count of wireless service units in said wireless service account for said user when said user uses a wireless communications device *paid for using* said wireless service account for said user. However, Katz teaches a prepaid card wireless system that allows subscribers to purchase additional wireless minutes and use said minutes to make phone calls (see Katz column 2, lines 15-25). Therefore, the same argument made in claim 1 regarding this missing limitation is also made in claim 17.

As per claim 19, Wecker teaches:

creating said service account for said user in response to said user having *actively interacted with said given* (see col 13, lines 60-65). Wecker does not teach that service account is a wireless service account. However, the same rejection made in claims 1, 9 and 18 regarding this missing limitation is also made in claim 19.

As per claim 20, Wecker does not expressly teach:

said wireless service account is a metered phone service account. However, Katz teaches a system that allows telephone calling card minutes stored in a minute account from a wireless service provider (see col 1, lines 10-20) to be used in metered wireless communication (see col 4, lines 57-67). Therefore, the same argument made in claim 1 regarding this missing limitation is also made in claim 20.

As per claim 21, Wecker teaches:

A method of paying for an offering, comprising:

creating credit in a service account server in response to an entity having actively interacted with a given website of a seller of goods or services, said seller of goods or

Art Unit: 3688

services securing phone time units from a service provider (col 2, lines 1-30; col 3, lines 1-30; col 13, lines 60-65);

crediting into a database accessible by said wireless service account server a given amount of said phone time units to a service account based on said entity having actively interacted with said given web site (see col 2, lines 1-10; col 4, lines 42-55);

maintaining in said database a count of said phone time units in said service account associated with an entity (see col 13, lines 60-65); and

Wecker does not teach that said phone time units are wireless airtime units and that said service account and service provider are a wireless service account and wireless service provider and *deducting payment for goods or services from said service account with said credited wireless airtime units*. However, Katz teaches a system that allows telephone calling card minutes stored in a minute account from a wireless service provider (see col 1, lines 10-20) to be redeemed for goods or services (see col 4, lines 57-67). Katz teaches interconnecting a plurality of member pre-paid telecommunication service providers, a plurality of member unit-minute systems associated with those pre-paid service providers and a plurality of member bank computer systems associated with financial networks in order to allow users to redeem telephone calling card minutes for goods or services (see col 16, lines 30-45). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Wecker would modify his invention to allow users to use earned telephone card minutes for wireless telephone connections and to use said earned telephone card minutes for making purchases for goods and/or

Art Unit: 3688

services, as taught by Katz in order to provide a value added service to existing wireless telephone services and allow subscribers to wireless providers to earn wireless airtime minutes for visiting a merchant's website and use said earned minutes to purchase goods or services.

As per claim 22, Wecker does not teach:

Said goods or services are purchased in exchange for a predefined number of said wireless airtime units. However, the same argument made in claim 21 regarding this missing limitation is also made in claim 22.

As per claim 23, Wecker teaches:

accepting a predefined number of said phone time units in exchange for said *entity having actively interacted with said given website* (see column 7, lines 30-40). Wecker does not teach that said phone time units are wireless airtime units. However, the same rejection made in claim 21 regarding this missing limitation is also made in claim 23.

As per claim 24, Wecker teaches:

said phone time units are credited for performing a purchase on said given web site (see col 4, lines 45-50). Wecker does not teach that said phone time units are wireless airtime units. However, the same rejection made in claim 21 regarding this missing limitation is also made in claim 24.

As per claim 26, Wecker does not teach:

said wireless airtime units represent metered wireless services. However, Katz teaches a system that allows telephone calling card minutes stored in a minute account

Art Unit: 3688

from a wireless service provider (see col 1, lines 10-20) to be used in metered wireless communication (see col 4, lines 57-67). Therefore, the same argument made in claim 21 with respect of the obviousness of combining Wecker and Katz is also made in claim 26.

As per claim 27, Wecker teaches:

crediting at least two phone time units to said service account in response to *said entity having actively interacted with said given website* (see col 7, lines 30-40). Wecker does not teach that said phone time units are wireless airtime units. However, the same rejection made in claim 21 regarding this missing limitation is also made in claim 27.

As per claim 28, Wecker teaches:

crediting one phone time units to said service account in response to said entity *having actively interacted with said given web site* (see col 7, lines 30-40). Wecker does not teach that said phone time units are wireless airtime units. However, the same rejection made in claim 21 regarding this missing limitation is also made in claim 28.

5. Claims 11 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wecker (US 6,256,614) in view of Katz (US 6,424,706) and further in view of Bistriceanu (US 7,240,022).

As per claim 11, Wecker does not teach:

wherein said *actively interacted with said given web site* comprises: returning to said web site. However, Bistriceanu teaches awarding incentives to users for returning a web site (see column 10, lines 15-32). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that

Art Unit: 3688

Wecker and Katz would modify their systems to award users incentives for returning a website, as taught by Bistriceanu in order to provide a motivation for users to browse a certain site.

As per claim 25, Wecker does not teach:

said wireless airtime units are credited for visiting said given web site. However, Bistriceanu teaches awarding incentives to users for merely visiting a web site (see col 5, lines 45-55). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Wecker and Katz would modify their systems to award users incentives for merely visiting a site, as taught by Bistriceanu in order to provide a motivation for users to browse a certain site.

Response to Arguments

6. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ROBERT A WEINHARDT can be reached on (571)272-6633. The official Fax number is (571) 273-8300.

Art Unit: 3688

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/DANIEL LASTRA/
Primary Examiner, Art Unit 3688
November 12, 2009